

It was alleged in the libels that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Pyorrhea \* \* \* Used in the Treatment of Pyorrhea;" (circular): "Eminent Mouth Wash No. 1 heals sore gums and sore throat very quickly and is prescribed by the dentists for patients to use while being treated for pyorrhea, trench mouth, or sore gums from any cause. \* \* \* Pyorrhea \* \* \* If you will use this Mouth Wash and Tooth Paste as we recommend you will save your teeth and health by preventing pyorrhea or the formation of pus around the teeth. This pus is readily taken into the blood and causes headaches, rheumatism, kidney and stomach troubles, high blood pressure, heart trouble, eye trouble, etc."

On January 17, 1931, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17929. Misbranding of Creo Terpina Wampole. U. S. v. 11 Dozen Bottles of Creo Terpina Wampole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25367. I. S. No. 5710. S. No. 3629.)**

Examination of samples of a drug product, known as Creo Terpina Wampole, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On December 2, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen bottles of Creo Terpina Wampole, alleging that the article had been shipped by Yglesias & Co. (Inc.), on or about May 23, 1930, from New York, N. Y., to Porto Rico, and that it was being sold and offered for sale in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, terpin hydrate, glycerophosphates, a trace of chloroform, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular accompanying the article) "Bronchial and Pulmonary conditions \* \* \* In asthma, whooping cough and all coughs of a spasmodic nature, and in acute catarrhal inflammations of the respiratory tract, influenza, hay fever \* \* \* relieves spasm and pain, reduces fever, soothes the irritated mucous membrane and restores tone to the affected part. In phthisis, acute or chronic bronchitis, and the bronchial catarrh of the aged, this preparation checks the distressing cough and renders the secretions less tenacious. The administration of \* \* \* in tubercular pleurisy is followed by the gradual disappearance of the effusion, fever and other symptoms. \* \* \* by virtue of its stimulant and tonic properties due to the glycerophosphates, of calcium and sodium, which it contains \* \* \* increases the weight, strengthens the patient and restores his energy."

On January 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17930. Adulteration and misbranding of Extract of Cod Liver Wampole. U. S. v. 72 Bottles of Extract of Cod Liver Wampole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25554. I. S. No. 5726. S. No. 3825.)**

Examination of samples of a drug product, known as Extract of Cod Liver Wampole, having shown that it was devoid of the characteristic vitamins of cod-liver oil, and that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture re-

ported to the United States attorney for the District of Porto Rico, the herein-described shipment of a quantity of the product located at Aguadilla, P. R.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of Extract of Cod Liver Wampole, alleging that the article had been shipped by Henry K. Wampole & Co. (Inc.), on or about April 7, 1930, from Philadelphia, Pa., to Porto Rico, and that it was being sold and offered for sale in Porto Rico by Jose Ferrari, Aguadilla, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended.

The article was labeled in the Spanish language in part: (Wrapper) "Improved and Tasteless Preparation of the Extract of Cod Liver \* \* \* Formula for 100 grams: Extract of Cod Liver \* \* \* 2.238 gms.; Wild Cherry, 4.295 gms.; Malt Extract (Diastatic), 0.387 gm.; Hypophosphite of Calcium, 0.097 gm.; Hypophosphite of Sodium, 0.097 gm.; Hypophosphite of Potassium, 0.097 gm.; Hypophosphite of Manganese, 0.024 gm.; Iron Pyrophosphate, 0.048 gm.; Quinine Sulphate, 0.024 gm.; Strychnine Sulphate, 0.005 gm.; and Aromatics q. s."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (translation of Spanish) "Extract of Cod Livers."

Misbranding was alleged for the reason that certain statements appearing in Spanish on the labeling, a translation of which follows, were false and misleading: (Wrapper and bottle) "Perfected and Tasteless Preparation of Extract of Liver of Cod \* \* \* contains a solution of an extract which is obtained from Fresh Cod Livers;" (circular) "With the extract of cod liver."

Misbranding was alleged for the further reason that, certain statements, appearing in Spanish on the labeling, a translation of which follows, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper) "The rapid increase in health and strength that is felt by those persons that carefully follow the instructions given herewith, will attest the repair value of this preparation as a Reconstituent Tonic in recovering from diseases of acute character, and as an appreciable addition in the treatment of Phthisis (Consumption), Pulmonary Diseases, Bronchitis, Obstinate Coughs, \* \* \* Nervous Debility, Affections due to exhaustion of the Nervous System or due to Anaemia, Chlorosis, Emaciation, Scrofula and Disorders of the Blood, Prostration due to Fevers and in Convalescence;" (circular) "Do Not Neglect Yourself. The various symptoms of a debilitating condition which every person recognizes in himself, are signs that under no circumstances should be ignored, because otherwise, the germs of diseases will increase, with great danger of fatal consequences. The germs of phthisis may be absorbed by the lungs at any time, incubating and multiplying themselves with rapidity, unless the system is well fed to the extent of resisting their attacks. The Wampole Preparation \* \* \* fortifies the system against all changes of temperature which invariably produce Cough, Catarrh, Grippe, Influenza, Phthisis, Pneumonia and diseases due to debility of the lungs and rachitic constitution. Taken on time, it fortifies the organism against phthisis. Men whose systems are exhausted because of the preoccupations due to their business, or to excesses or by body afflictions, will find in the Wampole Preparation, an aperitive reconstituent tonic that will fortify their system and will invigorate their imagination and body, so necessary to recover the losses due to diseases. Women of delicate health, or weak and exhausted constitution, pale, nervous and languid, require a remedy that will give them strength, vitality, and will enrich the blood and will fortify their debilities which are the cause of all their troubles. The Wampole Preparation feeds the body. Girls who are entering into womanhood with pale faces and weakness due to poor growth, should have nutrition that will give them vigorous and robust health. The Wampole Preparation taken before meals, increases the appetite, aids digestion and fortifies the lungs and weak bones. Children take it with pleasure. For this reason, progressive physicians prescribe it with excellent results in reconstructing the systems of pale, rachitic, exhausted and scrofulous children, specially in those suffering from Anaemia and diseases of the blood, making them capable of becoming sound men and women. Infants become weak and thin when their systems are weakened by bad digestion. Then is when their systems require that their mothers should feed them, who are at the same

time, weak and exhausted and unable to do it. The Wampole Preparation supplies what they need and it is easily digested by the most delicate stomach. Diseases of the Blood. When the blood is impaired and anaemic, it carries the debility to all the system, because the vivacity of human life is caused by means of the blood. This proves the necessity of having pure and rich blood, because its impoverishment may result in many afflictions such as Anaemia, Scrofula, General Debility, Pulmonary Scrofula and other diseases caused by specific germs. Prevent them by taking the Wampole Preparation."

On February 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17931. Misbranding of Bentonina. U. S. v. 20 Bottles of Bentonina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25207. I. S. No. 1652. S. No. 3483.)**

Examination of samples of a drug product, known as Bentonina, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On October 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 bottles of Bentonina, remaining in the original packages at Trinidad, Colo., consigned by the Bentonina Co., Albuquerque, N. Mex., alleging that the article had been shipped on or about June 10, 1930, in interstate commerce from Albuquerque, N. Mex., into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of insoluble matter (clay), extracts of plant drugs including buchu, a laxative drug, a bitter drug, glycerin, alcohol, and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the carton containing the article, regarding its curative and therapeutic effects, together with similar statements in Spanish on the said carton, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Tonic. This preparation Acts on the Liver, Kidneys, Stomach, and Blood. Revitalizes the Entire System. Relieves such complaints as Indigestion \* \* \* Biliousness, Sick Headache, Pains in the Back and Hips, Loss of Appetite, \* \* \* Rheumatism, and many other body disorders, caused from a deranged condition of the system \* \* \* Acting Gently and Positively on the Organs Causing Them to Do Their Natural Work."

On January 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17932. Misbranding of Ampoules Gaiarsine Ducatte. U. S. v. 12 Packages of Ampoules Gaiarsine Ducatte. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25339. I. S. No. 5709. S. No. 3603.)**

Examination of samples of a drug product, known as Ampoules Gaiarsine Ducatte, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On November 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 packages of Ampoules Gaiarsine Ducatte, alleging that the article had been shipped on or about September 3, 1930, by E. Fougura (Fougura) & Co. (Inc.), New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Porto Rico by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of guaiacol, cacodylic acid, strychnine sulphate, and water.